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Complainant
v.

Respondent

I. COMPLAINANT'S CHARGE:

Complainant, alleged that Respondents pushed her out of her job because of her physical disability.

II. RESPONDENT'S ANSWER:

In a written response filed on August 13, 2008, Respondent, Respondent, Inc. (NEV) said that Ms. Complainant quit her employment following a series of emotional outbursts and unsafe behavior at one of their customer's locations. NEV also said that Ms. Complainant was an employee of "[ ] H.R. and its subsidiary, [ ] of Maine." At a fact finding conference on May 19, 2009, a representative of [] of Maine, said that TRSG, Inc. owns. Respondents [ ] , Inc., [ ] HR, and TRSG, Inc denied liability for unlawful discrimination and said that the charge naming them as Respondents is untimely.

III. JURISDICTIONAL DATA:

1) Date of alleged discrimination: February 19, 2008.

2) Date complaints filed with the Maine Human Rights Commission: May 29, 2008 (Respondent, E08-0298); May 26, 2009 ([ ] Maine, Inc., [ ] HR, and TRSG, Inc., E09-0212).

3) Number of employees: Respondent has zero (0), ten (10) or 12 employees.[1] [ ] of Maine, Inc. had 347 employees. TRSG, Inc. had 185 employees. Respondents are subject to the

[1] In a written response dated August 13, 2008, counsel for NEV wrote, "We have ten employees." In a written response dated July 9, 2009, counsel wrote, "In completing the form 940 for the IRS, we indicated that NEV had "no employees – all employees are leased through [

Maine Human Rights Act as well as state employment regulations. Respondents, World Wide Personnel Services of Maine, Inc. and TRSG, Inc. are also subject to the Americans with Disabilities Act.

4) Complainant is represented by Chad Hansen, Esq. Respondents are represented by John Chapman, Esq.

5) Investigative methods used: Review of written submissions, fact finding conference attended by Ms. Complainant, the owner of Respondent, and the owner of World Wide Personnel Services of Maine, Inc.

IV. DEVELOPMENT OF FACTS:

1) The parties in this case are as follows:

   a) The Complainant, was hired on May 9, 2005 to work as a cook at a kitchen located in the Wal-Mart distribution center in Lewiston. The kitchen is operated by Respondent

   b) Ms. Complainant received raises in June 2005 ($8.50 per hour), October 2005 ($8.85 per hour), and May 2006 ($9.15 per hour). In October 2006, she was promoted to Cafeteria Manager, salaried plus commission, and supervised the kitchen. Ms. Complainant suffered a severe stroke in March 2007 and was out of work on a voluntary medical leave for many months. The stroke resulted in an acquired brain injury that affected Ms. Complainant's speech and use of her right upper extremity. She relearned to speak but continued to have some challenges speaking and communicating orally. She lost about 85% of the movement in her right hand and fine motor skills.

   c) She returned to work in November 2007, earning $7.00 per hour. Her job duties included cooking, baking, preparing and serving food, operating the cash register, cleaning and grocery shopping. Because of physical limitations caused by her stroke, she needed help with certain heavy tasks. She worked part time (see below).

   d) Respondent-1, Respondent, is a vending machine and food service provider. Owner-NEV is the owner.

   e) Respondent-2, World Wide Personnel Services of Maine, Inc. (WWPSME), is a professional employment organization.

   f) Respondent-3, [ ] HR, is registered with the Maine Secretary of State as an assumed name of Respondent-2. According to Respondent, AsmaraHR is a trade name registered with the North Carolina Secretary of State as one of the d/b/as of Respondent-4.

]. . .." Another document submitted by Respondent (Survey of Occupational Injuries and Illnesses, 2007) indicates that NEV had an annual average number of 12 employees in 2007.

g) Respondent-4, TRSG, Inc. is a national provider of human resources consulting and payroll processing services. TRSG stands for The Resourcing Solutions Group.

h) Complainant's employment ended on February 12, 2008. Respondents alleged that Complainant quit her employment following a series of emotional outbursts and unsafe behavior at the Wal-Mart distribution center kitchen. Complainant alleges that Respondents' stated reason is false and that she was pushed out of her job because of her physical disability.

2) The following concerns the relationship between NEV and WWPSME:

a) Every person employed at the Wal-Mart location, operated by Respondent, received a paycheck from WWPSM, including Ms. Complainant, Owner-NEV, General Manager-DF, and Mr. BD.

b) WWPSME hired the employees, leased them to NEV, and was responsible for the payment of federal state and local employment taxes, workers' compensation, and other human resources matters.

c) According to the Service Agreement between WWPSME and NEV, WWPSME was solely responsible for the recruiting, hiring, training, evaluating, placing, supervising, disciplining and firing of individuals who are placed in jobs by WWPSME. However, at the fact finding conference, Owner-NEV said that NEV performed these functions.

d) A WWPSME representative said that any decision to terminate one of its employees assigned to the NEV job site would have to be done in consultation with Owner-NEV.

e) WWPSME handled the NEV payroll and quarterly filings with the IRS and Maine Revenue; they responded to at least one other Maine Human Rights Commission complaint (see E06-0347) and to the workers' compensation petitions of NEV-assigned employees; and they conducted safety audits at NEV, collected OSHA 300 loggings for NEV, and did a Survey of Occupational Injuries and Illnesses.

f) WWPSME also conducted safety and sexual harassment training at NEV.

3) The parties provided the following with regard to Ms. Complainant's hours of work:

a) (Respondent) Payroll records show that Ms. Complainant worked six hours per week. At some point in time, for reasons that are unclear, her hours were increased by General Manager.

b) (Ms. Complainant) She worked 20 to 25 hours per week but received a payroll check for just a few hours a week. She received cash payments from General Manager-DF for most of her hours.

4) Regarding the "Fry-O-Lator incident" on February 19, 2008:

a) On February 19, 2008, during Ms. Complainant's shift, a large amount of oil was allowed to drain out of the Fry-O-Lator onto the floor.

b) (Respondent) On February 19th, Ms. Complainant released 70 lbs of Fry-O-Lator oil onto the floor.

c) (Ms. Complainant) Because of her limited use of her right arm, she couldn't drain the Fry-O-Lator when she returned to work. At about 9 or 10 A.M. on February 19, Mr. DW told her he was going to start draining the Fry-O-Later. He opened the spigot and walked away to do something else. She was busy working, too. All of a sudden she noticed that oil was spilling all over the floor. With her good hand, she shut off the spigot. Mr. BD showed up, and she told him that the spill was not her fault, that Mr. DW had opened the drain and walked away, but she was still upset about the mess and told Mr. BD she would help clean it up. Mr. BD sent her to the store to do some grocery shopping instead, and stayed to help Mr. DW clean up the oil. She went shopping, came back with the groceries, put them away, and the shift went on as normal.

d) (Ms. Complainant) Because of her right arm limitations, she would not have attempted to change the Fry-O-Lator oil.

e) BD did not appear at the fact finding conference. In a recorded interview with Respondent's counsel, he said that Ms. Complainant and DW blamed each other for the accident and that when he arrived, they were screaming at each other.

5) Regarding Ms. Complainant's separation from employment:

a) (Ms. Complainant) At about 2 P.M. on February 19, 2008, Mr. BD and Mr. LR (both supervisors), asked to speak to her. Mr. LR said they were going to have to let her go because of the Fry-O-Lator incident, because she was not "100%." She said it wasn't her fault. They said she should go out of work and get better, and return when her speech was 100%. She was offended, upset, and quit.

b) (Ms. Complainant) She did swear at Mr. LR when she quit. She used obscenities because she had trouble communicating to him that it was illegal and inappropriate for him to exclude her from work. She was unable to put this into words and resorted to the use of swear words because that was the easiest way for her to express her anger, frustration and sadness at being pushed out of her job due to her disability.

c) (Respondent's submission 8/13/08) After Ms. Complainant released the oil onto the floor, Mr. LR began discussing accommodation with her, that she needed to get some help, and that she should be taking some time off until she got that help and could then come back. When the word "help" was mentioned, Ms. Complainant exploded in an emotional outburst, saying "fuck you, fuck you, I quit, I quit."

d) (Mr. BD/taped interview) He and Mr. LR discussed the Fry-O-Lator incident and Ms. Complainant's employment with her for about 30 minutes. His goal was to cut her hours back until it was "manageable" for her. She could not continue to work for them with "all these outbursts." He didn't have a handle on how many hours she was working. She said she was very stressed from working too many hours and started forgetting things. They planned to involve Ms. Complainant's doctors in the decision. It was his understanding that General Manager-DP was in daily contact with Ms. Complainant's doctors. They planned to sit down and discuss this further with her the following day, but she got upset, swore, and said "fuck you, fuck you, I quit, I quit." He asked her for her Wal-Mart badge and General Manager-DF walked her to the door.

e) (Mr. LR/taped interview) They wanted to see if Ms. Complainant was working with someone, a social worker or doctor. They wanted her to be safe. They questioned whether she was supposed to come back to work at all. He was looking for a letter or documentation that she was ready and able to work. It was not his understanding that Ms. Complainant felt that she was working too many hours. He thought she was increasing her hours until she was back to full time. He doesn't recall any discussion with Ms. Complainant about stresss affecting her job performance. They didn't terminate Ms. Complainant; she quit.

f) ([ ] HR Employee Separation Notice) The separation notice signed by Mr. BD indicates that Ms. Complainant's separation date was 2/19/08. The category of separation was "leave of absence" "medical."

g) (Owner-NEV) Mr. BD told him that Ms. Complainant had quit. They did not discuss the reason why she quit.

6) Ms. Complainant confronted and swore at supervisors and managers after she quit. See file.

7) Regarding disciplinary/corrective action taken against Mr. DW, who was also working during the Fry-O-Lator incident:

a) (Mr. BD) He spoke to Mr. DW and wrote him up for his role in the situation with the seventy pounds of liquid Fry-O-Lator fat going all over the floor.

b) In his tape recorded interview, Mr. BD does not indicate that he spoke to or wrote Mr. DW up for screaming at Ms. Complainant during the Fry-O-Lator incident (see above, they were screaming at each other when Mr. BD arrived on the scene).

8) Regarding Respondent's claim that Ms. Complainant would have "emotional outbursts with obscenities" after her return to work in November 2007:

a) (Respondent) "As an adjunct to her apparent inability to think clearly or remember, [Ms. Complainant] would have emotional outbursts coupled with obscenities," after her return to work. "It is conceivable that there may be a correlation between the stroke and Ms. Complainant's outbursts, inattention and other problems evidence after her return in

November 2007." Ms. Complainant "was not even close in recalling the date of the events of her termination.[2] We suspect she may be so badly damaged that she cannot accurately recall what actually happened."

b) (Ms. Complainant's doctor) "…As far as her speech goes, she does occasionally have difficulty expressing herself by not being able to find the word she is looking for. Her mental abilities are unaltered though. She has no deficits in cognition, comprehension, or ability to follow instructions. She is not inappropriate and is every motivated to work…"

c) (Respondent) Owner-NEV, General Manager-DF and Mr. BD spoke to Ms. Complainant on several occasions regarding her language. Mr. BD met with Ms. Complainant some 3-4 days prior to the Fry-O-Lator incident and documented this in computer notes.[3]

d) (Respondent) Absent her outbursts on the 19th and 20th of February 2008, Ms. Complainant's employment would have continued for some period of time.

e) (Owner-NEV) They were having difficulties with her cussing and stuff, and they were going to give her a medical leave of absence until she dealt with the problem. The medical LOA never happened because she quit. He does not know if Ms. Complainant was ever written up for swearing. It is his understanding that employees do get written warnings for violating policies.

f) (Mr. BD) He wrote Ms. Complainant up four times, only once for using vulgar language. She and Wal-Mart employees would have conversations that involved cussing. It was playful, no one meant anything by it. But, it was against policy, and he reminded her of this and had her re-sign the code of conduct. The Wal-Mart customers loved her; they wre like family.

g) (Mr. BD Ms. Complainant got upset and said, "Fuck you, fuck you, I quit, I quit" on more than one occasion. He did not provide any details of when, where and why this happened.

h) (Ms. Complainant) She did not have "emotional outbursts coupled with obscenities" at work. She was not "counseled" for outbursts or using obscenities, although Mr. BD did speak to her about the company policy against swearing a couple of times. There were times that she swore when she couldn't find the words for something. If she did swear, it was when no one could hear her.

[2] Ms. Complainant's charge of discrimination indicates that her date of separation was February 12, 2008, instead of February 19, 2008.

[3] Mr. BD deleted the files from his computer when his employment with NEV ended in November 2009.

9) Regarding Respondent's claim that Ms. Complainant was involved in "unsafe behavior" after she returned to work: The only "unsafe" condition identified during this investigation that involved Ms. Complainant and occurred before she quit was the spilled Fry-O-Lator oil.

10) Owner-NEV stated at the Fact Finding Conference that Mr. LR terminated Ms. Complainant on February 20, 2008 after she had a confrontation with managers and supervisors. In his tape-recorded interview, Mr. LR denied this and repeatedly said that Ms. Complainant quit and was not fired.

V. ANALYSIS:

1) The Maine Human Rights Act requires the Commission to "conduct such preliminary investigation as it determines necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred." 5 M.R.S.A. § 4612(1)(B). The Commission interprets this standard to mean that there is at least an even chance of Complainant prevailing in a civil action.

2) The Maine Human Rights Act provides, in part, that it is unlawful employment discrimination to discriminate against an employee in the terms and conditions of employment because of physical disability. 5 M.R.S.A. § 4572(1)(A).

3) The Maine Human Rights Act, 5 M.R.S.A. § 4553-A(1)(B) includes acquired brain injury in the definition of "physical disability."

4) Here, Complainant, Complainant, alleges that Respondents Respondent, World Wide Personnel Services of Maine, Inc., [ ] HR, and TRSG, Inc., discriminated against her in the terms and conditions of employment because of her physical disability, causing her to quit.

5) Respondent Respondent (NEV) said that Ms. Complainant quit her employment following a series of emotional outbursts and unsafe behavior at one of their customer's locations.

6) Respondents World Wide Personnel Services of Maine, Inc., [ ] HR, and TRSG, Inc. denied liability for unlawful discrimination and said that the charge naming them as Respondents is untimely.

7) Because there is no direct evidence of discrimination, the analysis of this case will proceed utilizing the burden-shifting framework following *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817 (1973). *See Maine Human Rights Comm'n v. City of Auburn*, 408 A.2d 1253, 1263 (Me. 1979).

8) First, Complainant establishes a prima-facie case of unlawful discrimination by showing that she (1) was a member of a protected class, (2) was qualified for the position she held, (3) suffered an adverse employment action, (4) in circumstances giving rise to an inference of discrimination. *See Harvey v. Mark*, 352 F. Supp. 2d 285, 288 (D.Conn. 2005). *Cf. Gillen v. Fallon Ambulance Serv.*, 283 F.3d 11, 30 (1st Cir. 2002).

9) Once Complainant has established a prima-facie case, Respondent must (to avoid liability) articulate a legitimate, nondiscriminatory reason for the adverse job action. *See Doyle v. Department of Human Services*, 2003 ME 61, ¶ 15, 824 A.2d 48, 54; *City of Auburn*, 408 A.2d at 1262. After Respondent has articulated a nondiscriminatory reason, Complainant must (to prevail) demonstrate that the nondiscriminatory reason is pretextual or irrelevant and that unlawful discrimination brought about the adverse employment action. *See id.* Complainant's burden may be met either by the strength of Complainant's evidence of unlawful discriminatory motive or by proof that Respondent's proffered reason should be rejected. *See Cookson v. Brewer School Department*, 2009 ME 57, ¶ 16; *City of Auburn*, 408 A.2d at 1262, 1267-68. Thus, Complainant can meet her overall burden at this stage by showing that (1) the circumstances underlying the employer's articulated reason are untrue, or (2) even if true, those circumstances were not the actual cause of the employment decision. *Cookson v. Brewer School Department*, 2009 ME 57, ¶ 16.

10) In order to prevail, Complainant must show that she would not have suffered the adverse job action but for membership in the protected class, although protected-class status need not be the only reason for the decision. *See City of Auburn*, 408 A.2d at 1268.

11) Here, Complainant has established a prima-facie case by showing that (1) she has an acquired brain injury, (2) she was qualified for her position at the kitchen operated by NEV, (3) she was told to take a leave of absence, and (4) the leave of absence was for "medical" reasons.

12) Respondent NEV[4] has articulated a legitimate, nondiscriminatory reason for telling Complainant to take a medical leave of absence, namely, that she was involved in a series of emotional outbursts and unsafe behavior following her return to work in November 2007. Her behavior was thought to be caused by her stroke.

13) At the final stage of the analysis, Complainant was able to demonstrate that Respondent NEV's reason is false or irrelevant and that unlawful disability discrimination is the reason she was told to take a medical leave of absence, with reasoning as follows:

    a) First: There was no credible evidence that Ms. Complainant was involved in a "series" of "unsafe behavior." The only unsafe condition identified during this investigation is the Fry-O-Lator oil spill on February 19, 2009, and Ms. Complainant was not solely responsible for the accident. Ms. Complainant was physically unable to clean the Fry-O-Lator by herself at the time of the accident, which makes it clear that her co-worker, Mr. DW, was at least partially if not completely responsible.

    b) Second: Mr. DW, who was at least partially if not completely responsible for the Fry-O-Lator oil spill, and who has no known disability, was questioned and criticized regarding

[4] Respondent NEV also states that it was not Complainant's employer. For the reasons discussed below, however, NEV is liable because it was part of an "integrated enterprise" with WWPSME. *See Romano v. U-Haul Int'l*, 233 F.3d 655, 662 (1st Cir. 2000).

the accident. In contrast to this, Ms. Complainant was informed that she should take an involuntary leave of absence until she was "100%."

c) Third: It is true that Ms. Complainant had an emotional outburst when she was informed that she had to take a medical leave of absence, and could not return until she was "100%." She resorted to the use of swear words because of her difficulty finding words after her stroke, and that was the easiest way for her to express her anger, frustration and sadness at being pushed out of her job due to her disability. However, Ms. Complainant's "emotional outbursts" at the time of her decision to quit and afterwards are not relevant to the determination of liability in this case.

d) Fourth: There is insufficient evidence to support Respondent's position that Ms. Complainant had a "series of emotional outbursts" prior to February 19, 2008[5] that could not be dealt with through the normal disciplinary process. Respondent states that Mr. BD met with and counseled Ms. Complainant about her language some 3-4 days prior to February 19, but produced no documentation in support of this claim.[6] Furthermore, Respondent concedes that absent Ms. Complainant's outbursts on the 19th and 20th of February (after she quit), her employment would have continued.

14) It is a violation of the Maine Human Rights Act if, although not formally terminated, an employee has no reasonable alternative to resignation because of intolerable working conditions. *See King v. Bangor Federal Credit Union*, 611 A.2d 80, 82 (Me. 1992). "The test is whether a reasonable person facing such unpleasant conditions would feel compelled to resign." *Id.* In addition, "an employee can be constructively discharged only if the underlying working conditions were themselves unlawful (i.e., discriminatory in some fashion)." *Sweeney v. West*, 149 F.3d 550, 557-558 (7th Cir. 1998).

a) Here, Respondent suggests that Mr. LR's discussion with Ms. Complainant about a leave of absence was the beginning of a discussion about reasonable accommodations for her physical disability. If this was indeed Mr. LR's intent, then a fact finder might conclude that Ms. Complainant cut off the interactive process by abruptly quitting.

b) This investigator concluded that there is insufficient evidence of Mr. LR's approach and intent during his meeting with Ms. Complainant on February 19, 2008. It was apparent from Ms. Complainant's testimony at the Fact Finding Conference that from her perspective, Mr. LR was not making a good faith effort to discuss whether her disability was interfering with her job performance. All she heard was that Mr. LR was telling her she no longer had a job. There is at least an even chance that Ms. Complainant will be deemed more credible than Respondent's witnesses in court.

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[5] Mr. BD said that Ms. Complainant had other emotional outbursts and said, "Fuck you, fuck you, I quit, I quit" on several occasions, but he provided no specific details of when, where and why she did so.

[6] Respondent has offered to pay for a recovery charge by a computer expert to attempt to restore the files deleted from Mr. BD's computer.

c) Owner-NEV does not seriously dispute that Ms. Complainant was told, not asked, to take a medical leave. He said that they were "having difficulties with her cussing and stuff and they were going to give her a medical leave of absence until she dealt with the problem." Respondent did not suggest, or provide evidence, that Ms. Complainant was asked to provide medical information about her disability,[7] or that she was offered a chance to suggest accommodations that would allow her to remain employed.

d) A reasonable employee in Ms. Complainant's situation would quit upon being informed that she was not "100% and could not return until she was "100%."

15) Respondent World Wide Personnel Services of Maine, Inc. (WWPSME) is liable for the discrimination against Ms. Complainant, with reasoning as follows:

a) WWPSME argues that the complaint that was filed against it was untimely. Although a charge of discrimination specifically naming WWPSME as a Respondent was not filed within six months of the date of alleged discrimination, the complaint against NEV was timely. An administrative complaint against one entity that constitutes a "single employer" with another entity satisfies the administrative filing requirement for both entities. *See Knowlton v. Teltrust Phones, Inc.*, 189 F.3d 1177, 1185 (10th Cir. 1999). A common test for whether multiple entities constitute a single employer is the "integrated enterprise" test, which examines four factors, "(1) interrelation of operations; (2) common management; (3) centralized control of labor relations; and (4) common ownership," *Romano v. U-Haul Int'l*, 233 F.3d 655, 662 (1st Cir. 2000), the most important of which being centralized control of labor relations. *See id.* at 666.

Applying these factors here, WWPSME and NEV constituted an "integrated enterprise." WWPSME acknowledges the following:

i) Interrelation of operations: WWPSME leased employees to NEV pursuant to a service agreement, which was in effect during the time of the alleged discrimination. Pursuant to this agreement, every person performing services at NEV, including Owner-NEV, was a leased employee employed by WWPSME.[8] In addition, WWPSME handled the NEV payroll and quarterly filings with the IRS and Maine Revenue; they responded to at least one other Maine Human Rights Commission complaint (see E06-0347) and to the workers' compensation petitions of NEV-assigned employees; and they conducted safety

[7] In their tape-recorded interviews, Mr. BD and Mr. LR said that they planned to ask Ms. Complainant about medical information and documentations at a later meeting, but that she quit before they could ask.

[8] Although NEV paid the majority of Complainant's wages, not WWPSME, after November 2007.

audits at NEV, collected OSHA 300 loggings for NEV, and did a Survey of Occupational Injuries and Illnesses. WWPSME also conducted safety and sexual harassment training at NEV.

ii) Common management: Again, all management-level employees at NEV, including the owner, were employed by WWPSME.

iii) Centralized control of labor relations: Pursuant to the contract between NEV and WWPSME, WWPSME was "solely responsible for the recruiting, hiring, training, evaluating, replacing, supervising, disciplining, and firing" of individuals placed by WWPSME to fill NEV's personnel job function positions.[9]

iv) Common ownership: None.

b) Moreover, WWPSME had notice of the claim since NEV was notified of the charge in June 2008. Both WWPSME and NEV are represented by the same attorney, and a representative of WWPSME attended the fact finding conference in May 2009. In a letter from Complainant's attorney to the Commission, dated September 26, 2008, which was copied to Respondents' attorney, Complainant's attorney wrote that Complainant intended to request that the MHRC amend the complainant to include WWPSME and [ ] H.R. WWPSME has not argued that it suffered any prejudice in responding to the merits of the claim.

c) Accordingly, the timely complaint that was filed against NEV is deemed to have been timely filed against WWPSME as well.

16) Respondent TRSG, Inc. is liable for the discrimination against Ms. Complainant because Complainant has alleged, and TRSG, Inc., has not disputed, that TRSG, Inc., is a successor in interest to WWPSME.

VI. RECOMMENDATION:

[9] Owner-NEV said that NEV performed these functions notwithstanding the contract. In addition, a WWPSME representative said that any decision to terminate one of its employees from the NEV work site would have to be done in consultation with Owner-NEV. With respect to day-to-day control of labor relations, "actual control is a factor to be considered when deciding the 'joint employer' issue, but the authority or power to control is also highly relevant." *Virgo v. Riviera Beach Assocs.*, 30 F.3d 1350, 1361 (11th Cir. 1994).

For the reasons stated above, it is recommended that the Maine Human Rights Commission issue the following finding:

1) There are **Reasonable Grounds** to believe that Respondents Respondent, World Wide Personnel Services of Maine, Inc., and TRSG, Inc., discriminated in employment against Complainant, because of physical disability; and

2) Conciliation should be attempted in accordance with 5 M.R.S.A. § 4612(3).

_____ _____

Patricia E. Ryan, Executive Director Barbara Lelli, Chief Investigator